

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**MICHELE GRAY et al.,**

**Plaintiffs,**

**1:20-cv-896  
(GLS/CFH)**

**v.**

**CAPSTONE FINANCIAL et al.,**

**Defendants.**

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**ORDER**

The above-captioned matter comes to this court following an Report-Recommendation & Order (R&R) by Magistrate Judge Christian F. Hummel, duly filed on September 22, 2020. (Dkt. No. 5.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation & Order (Dkt. No. 5) is **ADOPTED** in its entirety; and it is further

**ORDERED** the claims asserted by plaintiff Cheetah Foods LLC are **DISMISSED** without prejudice; and it is further

**ORDERED** that plaintiff Michele Gray's Fair Debt Collection Practices Act, Federal Trade Commission Act, Truth in Lending Act, Home Ownership

Equity Protection Act and violation of the automatic bankruptcy stay claims are **DISMISSED** with prejudice; and it is further

**ORDERED** that the remainder of Gray's complaint is **DISMISSED** without prejudice and with leave to amend; and it is further

**ORDERED** that Gray may file an amended complaint within **thirty (30) days** of this Order; and it is further

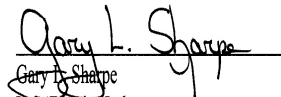
**ORDERED** that, if Gray files an amended complaint in the time permitted, same will be referred to Magistrate Judge Hummel for further review; and it is further

**ORDERED** that, if Gray fails to file an amended complaint in the time permitted, the Clerk is directed to enter judgment without further order of the court; and it is further

**ORDERED** that the Clerk provide a copy of this Order to Gray in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

November 5, 2020  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge